

Christine Joyce

3/12/07 - (13)

**From:** Steven Graham [SGraham@graham-harsip.com]  
**Sent:** Thursday, February 22, 2007 1:55 PM  
**To:** Bruce Stamski; Roland Bartl  
**Cc:** Christine Joyce  
**Subject:** Renaming Trevor Ln. to John Francis Ln.



Steven Graham.vcf Antonelli selectman  
(496 B) letter.xls...

Let's try this time with the attachment.

Hi Bruce and Roland,

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Thanks for your help.  
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Steven R. Graham, Esq.  
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289 Great Road, Suite 101  
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978-264-0480  
fax 978-264-4990

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# CROWN CONSTRUCTION CO., INC.

780 Dedham Street, Suite 400, Canton, MA 02021  
The Residences at Robbins Brook Field Office

Tel: (339) 502-6426 Fax: (339) 502-6430  
Tel.: (978) 263-6224 FAX (978) 263-4022

Board of Selectmen  
Acton Town Hall  
472 Main Street  
Acton, MA 01720

**RE: The Residences at Robbins Brook, Phase 2  
Changing of Name of Non-Public Way**

Dear Members of the Board,

The approval of the street currently named "Trevor Lane" at the Residences of Robbins was granted by the members of the board on April 2006. We have not yet started or constructed any houses on this road. Therefore there are no building or any other such permits reflecting the name "Trevor Lane"

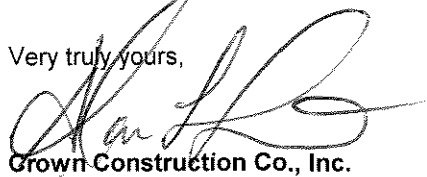
As such, Crown Construction Co., Inc. respectfully requests the Board to allow the street name "**Trevor Lane**" to be changed to "**John Francis Lane**".

This request is being asked in respect and memory of the former owner of the property and Town of Acton Resident John Francis Canessa.

We would ask that the Board take up this matter on its 3/12/07 meeting.

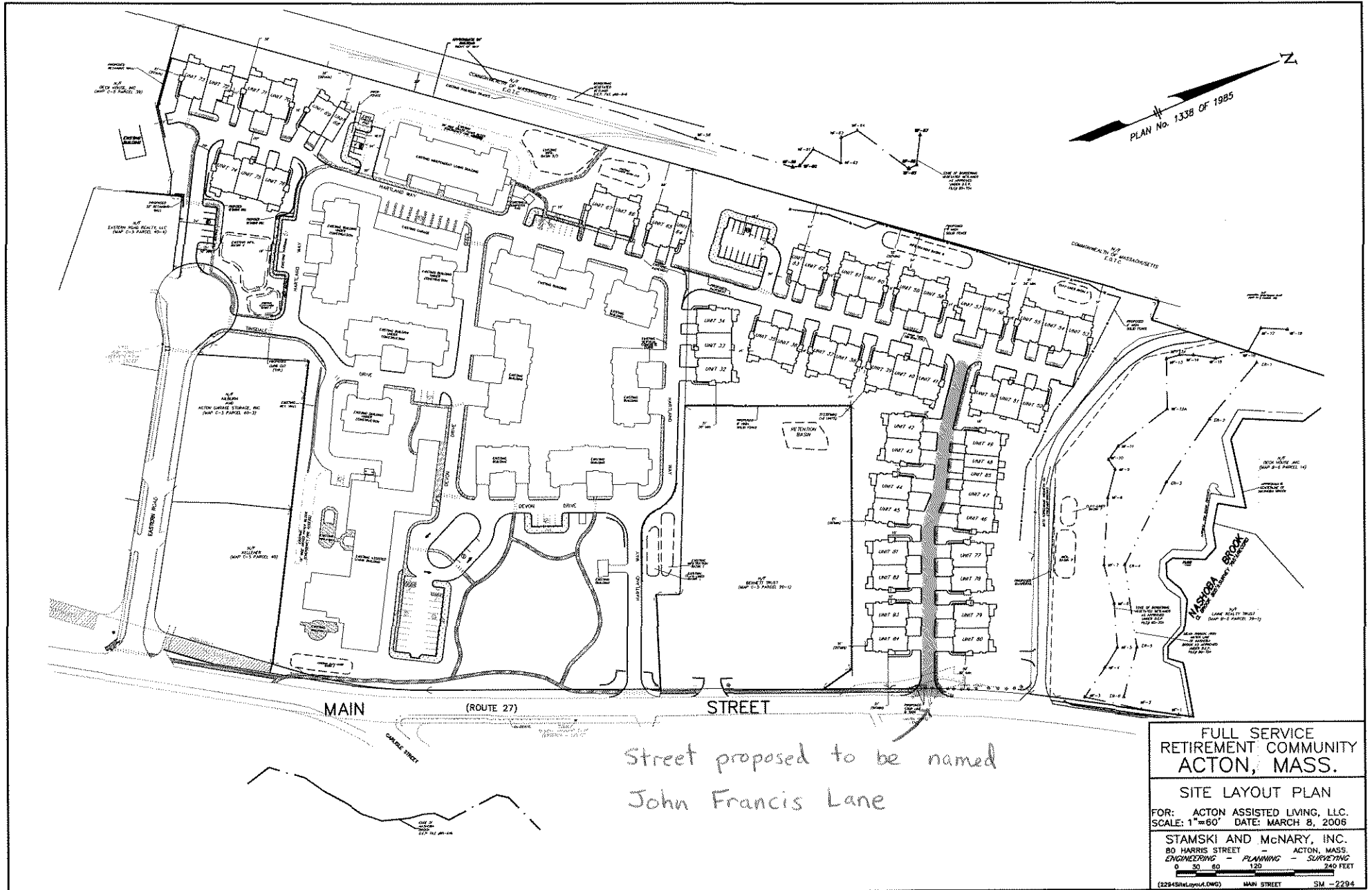
Thank you in advance for your time and attention to this matter.

Very truly yours,



**Crown Construction Co., Inc.**

Alan Simao



## § 2D

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## § 3A

### BY-LAWS RELATIVE TO WAYS AND BRIDGES

C. 85

## § 2E. Exclusion of Persons and Vehicles from State Highways.

Notwithstanding the provisions of section eighteen of chapter ninety, the department for purposes of public safety and convenience may from time to time by regulations exclude persons and vehicles from state highways or portions thereof for such periods as it may deem necessary. Such regulations may provide for a penalty of a fine not exceeding fifty dollars for any particular violation thereof.

### History—

1970, 342, § 1.

### Federal Aspects—

Federal Highway Safety Act, 23 USCS §§ 401 et seq.

### Code of Massachusetts Regulations—

Hazardous materials, 720 CMR 8.01 et seq.

### CASE NOTES

Trial judge erred in not granting preliminary injunctive relief, where selectmen closed public way without first securing written certification from Department of

Public Works and without requiring newspaper publication. *Nabhan v Board of Selectmen* (1981) 12 Mass App 264, 423 NE2d 1023.

## § 3. Change of Name of Ways and Parks.

When the name of any public way, place or section, or of any public park, is changed by the board or officer having jurisdiction thereof, if the name changed has been in use for twenty-five years or more, there shall be a right of appeal from such action to the department. Said appeal shall be taken within thirty days after such change, and shall be by petition of at least twenty-five inhabitants of the town in which such change has been made, requesting the reversal of such action. Notice of the filing of such petition shall forthwith be filed by the department in the office of the clerk of the town in which the change has been made, and upon the filing of such petition, a public hearing shall be given by said department, after such public notice as it shall determine, and unless the department shall approve of such change, the same shall be of no effect.

### History—

1909, 134; 1917, 344, V, § 4, VIII, § 1; 1931, 394, § 40.

### Total Client-Service Library® References—

39 Am Jur 2d, Highways, Streets, and Bridges § 24.

## § 3A. Approval of Name for Non-Public Way.

No way in any city or town which is open for public use but has not

**C. 85****ANNOTATED LAWS OF MASSACHUSETTS****§ 3A**

become a public way shall be given a name unless the same is first approved by its board of survey, or, if there is no such board, its board of aldermen or board of selectmen.

**History—**

1927, 71.

**Cross References—**

Boards of survey, ALM GL c 41 § 73.

**Total Client-Service Library® References—**

39 Am Jur 2d, Highways, Streets, and Bridges § 24.

**§ 3B. Changing of Name of Non-Public Way.**

When any way in a city or town which is open for public use but has not become a public way is known by a name, identical with the name of another such way or of a public way in the same city or town, or so similar thereto as, in the opinion of its board of survey, or, if there is no such board, its board of aldermen or board of selectmen, to lead to confusion, said board, after a public hearing thereon of which notice shall be given in the manner provided in section seventy-four of chapter forty-one, may by order change the name of either such way which has not become a public way. Said board shall cause to be placed on each way, the name of which is changed hereunder, at or near each point where any other way enters or unites with it, a suitable sign bearing the name of such way as changed and stating that it is not a public way, and shall cause to be filed in the registry of deeds of the district in which such way is located, and also in case such way is in a city, in the office of the city engineer or, in case it is in a town, in the office of the town clerk, a copy of the order effecting such change signed by the chairman of the board ordering the same. Nothing in this or the preceding section, nor any action taken under and in accordance with either of them, shall impose any additional liability upon any city or town.

**History—**

1927, 71.

**Total Client-Service Library® References—**

39 Am Jur 2d, Highways, Streets, and Bridges § 24.

**§ 4. Construction of Sidewalks by Adjoining Land Owners.**

A person owning or occupying land adjoining a public way in a town may construct a sidewalk within such way and along the line of such

**§ 5****E**

land, indicating stones set at sidewalk is so upon and along such owner or authority of some other authority the liability of it apply to city

**History—**

1849, 24; GS

**Cross Reference**

Establishment

**Total Client-Service**

39 Am Jur 2

**Annotations—**

Liability of a 331.

This section does not have constructed liability for negligence. Nothing to construct

**§ 5. Removal of Land Owner**

Cities by removal of snow or town as the abutting upon determine the not exceeding of a town, for

**History—**

1857, 64, §§ RL 52, § 5; 19

**Cross Reference**

Removal of

Injury or damage GL c 84 §§ 17

## Christine Joyce

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**From:** Steven Graham [SGraham@graham-harsip.com]  
**Sent:** Friday, February 23, 2007 12:25 PM  
**To:** Roland Bartl  
**Cc:** Christine Joyce  
**Subject:** RE: Renaming Trevor Ln. to John Francis Ln.

Roland,

I reviewed Ch.85, Sec. 3B and I agree with your reading. I don't know of any conflict so I don't think the foregoing statute is relevant to the current situation.

Thanks,  
Steve

Steven R. Graham, Esq.  
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>>> "Roland Bartl" <rbartl@acton-ma.gov> 02/23/07 12:16PM >>>

Steve:

I am sorry I misquoted the statutory reference. It would be ch. 85, s. 3B. Looking at it myself it seems to apply only to private ways with a name conflict.

Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636

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Roland:

I reviewed the statue cited and don't believe it is applicable. Chapter 41 Sec. 74 addresses a town's (or city's) right to insure that a private way be constructed to the town's standards to insure public safety.

The requested change is simply to change the name of a way previously approved. The requirements for construction will be unchanged and will need to meet standards establish

by the Town.

Please let me know if you think this addresses your question or if I have missed something.

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>>> "Roland Bartl" <rbartl@acton-ma.gov> 02/22/07 05:07PM >>>  
Steve:

There is quirky little law that requires a planning board hearing and order for changing names of private ways. We had to invoke it many years ago for changing the name of Durkee Lane to Westford Lane. I don't know if it applies in this case. Frankly, I hope it won't. But you might want to check it out. MGL Ch. 41,S. 74.

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